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THE ADMINISTRATION OF JUSTICE AND HUMAN RIGHTS

Written statement* submitted by North-South XXI, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 July 2000]

* This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

Most States, particularly those from the South, are criticized for the way their justice systems work. It is of course perfectly legitimate to question a judicial system when its judges are not really qualified or genuinely independent, do not observe international human rights standards, treat minors like adults in criminal matters, etc.

However, the urgent need to reform State justice systems to make them more fair should not be the sole focus of the work of the Sub-Commission on the Promotion and Protection of Human Rights.

(a) The process of globalization is accompanied by the development of secret financial circuits imported by criminal organizations, and also by some individuals and political parties, in cooperation with certain transnational interests.

This globalization of transnational trade comes at a very high price for economic and social human rights: it deprives nations of the resources necessary for human development, at the same time as many Governments are claiming to be doing all they can to attract foreign investment. We know that deposits in tax havens are far higher than the total debt of the countries of the South.

(b) Today, impunity is practically guaranteed for these "social criminals": the political authorities in all countries without exception have shown themselves, for lack of any true political will, to be incapable of openly and effectively tackling this global fraud which robs peoples with the collusion of respectable financial companies. The most developed countries close their eyes.

It is therefore paradoxical that studies and missions of inquiry should be carried out and resolutions adopted to guarantee better protection of those on trial and of their civil and political rights while reforms of the operation of the courts that would help promote economic and social rights are totally neglected.

(c) For the promotion of these rights to be effective, a transnational judicial forum needs to be established, together with strengthened international cooperation between national justice systems which, in isolation, are powerless.

The Sub-Commission on the Promotion and Protection of Human Rights should study draft international judicial conventions and encourage international coordination in the work of judges, with no restraints other than those imposed by the rule of law. Otherwise, the United Nations would be "turning a blind eye" to one of the major obstacles to human development, which can only be removed by releasing resources that are today being diverted elsewhere.

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